UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

INTERNATIONAL UNION OF : Civil Action No. 07-2858 (JAP)

PAINTERS AND ALLIED TRADES :

DISTRICT COUNCIL 711 HEALTH & :

WELFARE, VACATION and : APPRENTICE FUNDS, et al. :

:

Plaintiffs

:

 $v. \qquad \qquad : \qquad O R D E R$

:

NERI GLASS CO., et al.,

:

Defendants.

:

This matter having come before the Court upon its Order for Defendant Peter Neri to Show Cause why he should not be held in contempt by this Court for failing to comply with this Court's October 6, 2008 Order and have sanctions imposed [dkt. entry no. 21]; and the Court having conducted a conference call on the matter on January 16, 2009;

IT IS on this 16th day of January, 2009

ORDERED that the Order to Show Cause Why Defendant Peter Neri should not be held in contempt for failing to comply with this Court's October 6, 2008 Order and have sanctions imposed [dkt. entry no. 21] is **VACATED**; and it is

FURTHER ORDERED that Defendant Peter Neri shall appear at Plaintiff's office on **January 27, 2009 at 10:00 a.m.** for the purpose of giving testimony in the above captioned matter; and it is

FURTHER ORDERED that Defendant Peter Neri's failure to appear at the deposition as scheduled above, shall result in the issuance of a warrant for his arrest; and it is

FURTHER ORDERED that Plaintiff reserves the right to seek fees after Defendant

Peter Neri's deposition.

s/ John J. Hughes

JOHN J. HUGHES UNITED STATES MAGISTRATE JUDGE